UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/183,282	10/30/98	SHAH-NAZAROFF	A	042390.P6489

TM02/0212

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EXAMINER	
COLBERT, E	
ART UNIT	**PAPER NUMBER**
2172	8

DATE MAILED: 02/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/183,282	Applicant(s) SHAH-NAZAROFF ET AL.	
	Examiner E. Colbert	Art Unit 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2000* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☐ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other: .

DETAILED ACTION

Response to Amendments

1. Claims 1-27 are presented for examination in this Office Action in response to Amendment B, paper no. 7 on 20 November 2000.

2. The prior Office Action is included by reference.

3. Those applicable sections of Title 35 Of United States Code not present herein were presented in an earlier Office Action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-10 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al (US 5,629,733), hereafter Youman.

With respect to claims 1 and 6, obtaining a record corresponding to a first entertainment selection (**column 4, lines 49-58**), presenting a first set of entertainment system data in the obtained record corresponding to the first entertainment selection on a display device (**column 3, lines 6-25, column 4, lines 1-12 and lines 49-67, and column 5, lines 1-19**), presenting a selectable identifier corresponding to the first set of entertainment system data on the display

device (**column 13, lines 34-57**), performing a search for a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data ... (**column 10, lines 33-50**), and presenting a result of the search on the display device (**column 12, lines 11-23**). Youman does not explicitly teach "performing a search for a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data when a selectable identifier selected," however, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to implement the performance of a search for a second selection corresponding to the first selection (as taught in the background section, column 1-5), because it is well known in the art for a user can select the movies, the actor/actress, and the time to have the second selection by the same actor/actress displayed. A user can display program schedule information for any of the selected plurality of television programs in an overlaying relationship with a television program appearing on any one of the selected plurality of channels on the television.

With respect to claims 2 and 7, obtaining a record comprises referencing ... the first entertainment selection in a database" (**column 8, lines 14-26**).

With respect to claims 3 and 8, presenting the selectable identifier comprises generating an distinguishable identifier ... (**column 9, lines 4-44 and column 15, lines 51-67**).

With respect to claims 4 and 9, performing the search comprising searching a database for the entertainment system data related to the first set of entertainment system data (**column 17, lines 5-27**).

With respect to claims 5 and 10, presenting the result of the search comprises displaying the result of the search in a synopsis box on the display device (**column 17, lines 66-67, column 18, lines 1-32, and figure 21**).

With respect to claims 16 and 20, Youman did not explicitly teach, a search of the records of an entertainment system is data received from different sources, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the search of records of an entertainment system to be data received from different sources (as taught in the disclosure of the invention section, columns 1-3), because the term "data" can be interpreted broadly to include all forms of information, whether it is to be output as text, graphics, video, or audio and whether the data is for purposes of presentation to a user or whether the data has a functional purpose or a computational purpose e.g. forms part of a system header or a system program component.

With respect to claims 17 and 21, entertainment selections are selected from a group comprising programs, music selections, software applications, files and Internet broadcasts (**column 10, lines 36-44**), (**column 9, lines 7- 17**), and (**column 17, lines 9-15**).

With respect to claims 18 and 22 recites a computer -readable medium with limitations similar to those recited in claim 1; therefore, the same rejection is applied.

With respect to claims 19 and 23, recites a computer -readable medium with limitations similar to those recited in claim 1; therefore, the same rejection is applied.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 11-15 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al (US 5,999,934), hereafter Cohen.

With respect to claim 11, a data parser that formats entertainment system data ... (**column 7, lines 7-14**), a data engine, coupled to the data parser, that stores the entertainment system data into a database ... (**column 22, lines 46-67**), and a query interface, coupled to the database configuring a graphical user interface (GUI) with an identifier corresponding to the first set of entertainment system data of a first entertainment selection, the identifier being selectable to display a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data (**column 10, lines 46-67 and column 1-17**). Cohen did not explicitly teach a query interface, a data engine, or a graphical user interface, but it would have been obvious to a person of ordinary skill in the art of entertainment systems at the time the invention was made to have a query interface, data engine, and a graphical

user interface because in an entertainment system structure these interfaces and a data engine are used to perform the tasks of communicating with the computer by manipulating windows using a mouse or a remote control device and storing data in a displayable data store (column 12, lines 62-67).

With respect to claims 12 and 14, a user interface unit that receives an identity of the identifier selected (**column 14, lines 52-59**), a database interface unit coupled to the user interface for searching the database for the second entertainment selection having the corresponding second set of entertainment system data related to the first set of entertainment system data (**column 12, lines 31-41 and column 4, lines 3-26 and lines 57-63**), and a synopsis box building unit coupled to the database interface unit, for displaying the identity of the second entertainment selection ... (**column 10, lines 20-45**). Cohen did not teach a "synopsis box building unit," but it would have been obvious to a person of ordinary skill in the art of entertainment systems at the time the invention was made to have a synopsis box and to display an entertainment selection because the formatting of the displayed record with information about the selection maximizes the volume of data to be displayed and improves the efficiency of the system.

With respect to claim 13, a bus (**column 6, lines 5-10**), a processor coupled to the bus (**column 6, lines 13-18**), a system control agent coupled to the bus including a data parser for formatting entertainment system ..., a data engine for storing the entertainment system data into a database ..., a query interface for configuring a graphical user interface (GUI) having an identifier corresponding to a first set of entertainment system data ..., the identifier being selectable to

display a second entertainment selection having a corresponding second set of entertainment system data ... (**column 7, lines 7-14, column 22, lines 46-47, column 10, lines 46-67, and column 11, lines 1-17**). Cohen did not explicitly teach a query interface, a data engine, or a graphical user interface, but it would have been obvious to a person of ordinary skill in the art of entertainment systems at the time the invention was made to have a query interface, data engine, and a graphical user interface because in an entertainment system structure these interfaces and a data engine are used to perform the tasks of communicating with the computer by manipulating windows using a mouse or a remote control device and storing data in a displayable data store (column 12, lines 62-67).

With respect to claim 15, a first set of entertainment system data corresponding to a first entertainment system selection (**column 10, lines 33-49**), an identifier corresponding to the first set of the first entertainment selection (**column 13, lines 41-48**), the identifier being selectable to generate a synopsis box that displays a second set of entertainment system data of a second entertainment selection, the second set of entertainment system data being related to the first set of entertainment system data" (**column 9, lines 12-41, column 10, lines 28-67, column 11, lines 1-2, and column 6, lines 13-18**).

With respect to claim 24, Cohen did not explicitly teach, the entertainment system data received from different sources, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to implement entertainment system data being received from different sources (as taught in the disclosure of the invention, section, columns 1-

3), because the term "data" can be interpreted broadly to include all forms of information, whether it is to be output as text, graphics, video, or audio and whether the data is for purposes of presentation to a user or whether the data has a functional purpose or a computational purpose e.g. forms part of a system header or a system program component.

With respect to claim 25, the database interface unit searches the database according to the instructions it retrieves from storage with the first entertainment system data (**column 6, lines 27-50**).

With respect to claim 26, comprising non-selectable text according to entertainment system data of the first entertainment selection (**column 7, lines 20-34**).

With respect to claim 27, the selectable identifier is presented ... distinguishable from non-selectable text (**column 10, lines 46-67 and column 11, lines 1-2 and lines 42-48**).

Response to Arguments

8. Applicants' arguments files on 11/20/2000 have been fully considered but they are not persuasive.

With respect to Applicants' argument concerning: "the Examiner appears to recite specific implementations, not shown in the references, as a reason why the general case recited in the claims is obvious," has been fully considered but deemed not persuasive based on a suggestion/motivation need not be expressly stated in one or all of the references used to show obviousness. *Cable Electric Products, Inc. v. Genmark, Inc.*, 770 F.2d 1015, 1025, 226 USPQ 881, 886 (Fed. Cir. 1985); *In re Sheckler*, 438 F.2d 999, 1001, 168 USPQ 716, 717 (CCPA

1971). It is assumed that every reference relies to some extent on the knowledge of persons skilled in the art to complement that which is disclosed therein. Further, the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied reference/references. In other words, the person having ordinary skill in the art has a level of knowledge apart from the content of the references. *In re Bode*, 550 F.2d 656, 660, 193 USPQ 12, 16 (CCPA 1977); *In re Jacoby*, 309 F.2d 513, 516, 135 USPQ 317, 319 (CCPA 1962). A conclusion of obviousness is established "from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference." *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

With respect to Applicants' argument concerning: Applicants' have thoroughly studied the first five columns and fail to see any suggestion of "performing a search for a second selection when a selectable identifier corresponding to a first selection is selected" has been fully considered but not deemed persuasive based on the Examiner not finding these claim limitations in the claims as recited. The Examiner has carefully studied claims 1-27 and fails to see the claim limitation "performing a search for a second selection when a selectable identifier corresponding to a first selection is selected." Therefore, the Examiner considers Applicants' argument "moot" concerning "performing a search for a second selection when a selectable identifier corresponding to a first selection is selected."

With respect to Applicants' arguments concerning: the Examiner has asserted that in claims 20 and 24 it would have been obvious to have the search of records to be data received

from different sources has been fully considered but is not deemed persuasive based on the Examiner has provided a reasonable motivation statement combined with what is well known in the art by one having ordinary skill in the art (the skilled artisan) for claims 20 and 24. The references used shows the information (data) being received by a user after a search of the database in column 12, lines 12-23 and lines 64-67. The Examiner interprets the term "data" as being interpreted broadly to include all forms of information, whether it is to be output as text, graphics, video, or audio and whether the data is for purposes of presentation to a user or whether the data has a functional purpose or a computational purpose e.g. forms part of a system header or a system program component.

With respect to Applicants' argument concerning: Youman does not teach a search for a second entertainment selection using the category icons and Youman does not teach any way to find another similar movie from the fig. 19 screen. In Youman, there is no first set of entertainment system data and no information regarding the shows being presented before the category listing mode is entered. The Applicants' arguments have been fully considered but are not deemed persuasive because Youman teaches categories and browsing (searching) in a menu and a submenu in col. 10, lines 33-57. The teaching of a submenu is interpreted as a second search and as having similar or related programs. Applicants' claim language does not recite "the search is for an entertainment selection having a second set of entertainment system data related to the first set of entertainment system data" which is discussed above.

With respect to Applicants' arguments concerning: "the user does not need to know a category, a title, a show time, a rating or anything else" is not recited in any of Applicants' claim limitations. Applicants' appear to be reading limitations into the claims. The Applicants' claims shall particular point out and distinctly claim the subject matter which Applicants' regard as their invention.

In this rejection of claim 1 and others, for example under Section 103 (a) of Title 35 of the United States Code, the Examiner carefully drew up a correspondence between the Applicants' claimed limitations and one or more referenced passages in Youman and Cohen, what is well known in the art, and what is known to one having ordinary skill in the art (the skilled artisan). The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Genus*, 988 F.d. 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9. The prior art made of record and not relied upon is considered relevant to applicant's disclosure.

White et al (6,005,563) taught a Web TV system with parsing HTML and audio functions.

Anderson et al (6,005,631) taught an electronic program guide (EPG) and searching the EPG data.

Watts et al (5,671,411) taught searching an audio/visual programming database and a synopsis box (figure 4).

Trumbull et al (5,795,228) taught an entertainment system with a database and a user interface.

Schein et al (6,002,394) taught a program guide, a database, a remote control, a mouse, and a synopsis box (figure 18E).

Alten et al (5,781,246) taught a program guide and a synopsis box (figure 21).

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is (703)308-7064. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on (703)308-4393.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703)308-9051, (for formal communications intended for entry).

Or:

(703)305-9731 (for informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703)308-9600.

E.C.

February 9, 2001

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100